

Senate Bill No. 826

Passed the Senate May 16, 2013

Secretary of the Senate

Passed the Assembly June 24, 2013

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2013, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 3202 of the Family Code, and to amend Section 8200 of the Probate Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 826, Committee on Judiciary. Civil law: omnibus bill.

(1) Existing law requires the custodian of a will, within 30 days after having knowledge of the death of the testator, unless a petition for probate of the will is earlier filed, to deliver the will to the clerk of the superior court of the county in which the estate of the decedent may be administered and to mail a copy of the will to the executor or a beneficiary, as specified. Existing law imposes a fee for delivering a will to the clerk of the superior court and requires reimbursement of this fee from the estate if an estate is commenced for the decedent named in the will.

This bill would revise this provision to require reimbursement of the fee from the estate if an estate is commenced for the decedent named in the will.

(2) Existing law requires compliance with the Uniform Standards of Practice for Providers of Supervised Visitation for supervised visitation and exchange programs.

This bill would make a technical correction to a reference to this standard.

The people of the State of California do enact as follows:

SECTION 1. Section 3202 of the Family Code is amended to read:

3202. (a) All supervised visitation and exchange programs funded pursuant to this chapter shall comply with all requirements of the Uniform Standards of Practice for Providers of Supervised Visitation set forth in Standard 5.20 of the Standards of Judicial Administration as amended. The family law division of the superior court may contract with eligible providers of supervised visitation and exchange services, education, and group counseling to provide services under this chapter.

(b) As used in this section, "eligible provider" means:

(1) For providers of supervised visitation and exchange services, a local public agency or nonprofit entity that satisfies the Uniform Standards of Practice for Providers of Supervised Visitation.

(2) For providers of group counseling, a professional licensed to practice psychotherapy in this state, including, but not limited to, a licensed psychiatrist, licensed psychologist, licensed clinical social worker, licensed marriage and family therapist, or licensed professional clinical counselor; or a mental health intern working under the direct supervision of a professional licensed to practice psychotherapy.

(3) For providers of education, a professional with a bachelor's or master's degree in human behavior, child development, psychology, counseling, family-life education, or a related field, having specific training in issues relating to child and family development, substance abuse, child abuse, domestic violence, effective parenting, and the impact of divorce and interparental conflict on children; or an intern working under the supervision of that professional.

SEC. 2. Section 8200 of the Probate Code is amended to read:

8200. (a) Unless a petition for probate of the will is earlier filed, the custodian of a will shall, within 30 days after having knowledge of the death of the testator, do both of the following:

(1) Deliver the will to the clerk of the superior court of the county in which the estate of the decedent may be administered.

(2) Mail a copy of the will to the person named in the will as executor, if the person's whereabouts is known to the custodian, or if not, to a person named in the will as a beneficiary, if the person's whereabouts is known to the custodian.

(b) A custodian of a will who fails to comply with the requirements of this section shall be liable for all damages sustained by any person injured by the failure.

(c) The clerk shall release a copy of a will delivered under this section for attachment to a petition for probate of the will or otherwise on receipt of payment of the required fee and either a court order for production of the will or a certified copy of a death certificate of the decedent.

(d) The fee for delivering a will to the clerk of the superior court pursuant to paragraph (1) of subdivision (a) shall be as provided in Section 70626 of the Government Code. If an estate is commenced for the decedent named in the will, the fee for any

will delivered pursuant to paragraph (1) of subdivision (a) shall be reimbursable from the estate as an expense of administration.

Approved _____, 2013

Governor